

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 3RD JUDICIAL CIRCUIT
WAYNE COUNTY

STATE TREASURER,

Plaintiff,

v

ERIC E. LIVELY, [REDACTED] and
THE NORTHWESTERN MUTUAL
LIFE INSURANCE COMPANY,

Defendants.

STATE TREASURER v Lively, Eric E
Hon. Gershwin A Drain 05/20/2009



09-012128-CZ

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ERIC E. LIVELY, [REDACTED]
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880
Defendant – In Pro Per

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY
Attn: Cindy Fryjoff
720 E. Wisconsin Avenue, Room 5430
Milwaukee, WI 53202
(888) 455-2232
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FINAL ORDER

At a session of said Court, held in the City
of Detroit, Wayne County, Michigan on

JUL 31 2009

PRESENT: Hon. GERSHWIN A. DRAIN
Circuit Court Judge

This matter having come before the Court on a Complaint and Order to Show Cause why an Order should not be entered appropriating and applying Defendant Eric E. Lively's assets to reimburse the State for the cost of his confinement in a State correctional facility in accordance with the *State Correctional Facility Reimbursement Act* ("SCFRA"), being MCL 800.401, et

seq., and Defendant Eric E. Lively having been served more than 30 days prior to this Order (on May 29, 2009) and the Court having been fully advised that after a search by the Attorney General's Office no record of court ordered victim restitution and child support being owed, and being otherwise fully advised in the premises, the Court finds the following Order appropriate:

IT IS ORDERED THAT:

1. 50% of Defendant Eric E. Lively's assets shall be paid to the State of Michigan as partial reimbursement for expenses incurred for his incarceration. This amount is not to exceed the actual costs of incarceration (\$555,900.00).

2. All funds (excluding wages) currently held on deposit in Defendant Eric E. Lively's prison account, or any subsequent facility that he may be transferred to, shall be disbursed as follows:

- a. 50% payable to the "State of Michigan" and electronically mailed to: Julius O. Curling, Department of Attorney General, Prison Reimbursement Section.
- b. 50% to Defendant Eric E. Lively.

3. The annuity currently on hold with The Northwestern Mutual Life Insurance Company belonging to Defendant Eric E. Lively, [REDACTED] shall be disbursed as follows:

- a. 50% payable to the "State of Michigan" and mailed to: Julius O. Curling, Assistant Attorney General, Department of Attorney General, Prison Reimbursement Section, Cadillac Place, 3030 W. Grand Blvd., Ste. 10-200 Detroit, MI 48202.
- b. 50% to Defendant Eric E. Lively.

4. The hold (freeze) placed on Defendant Eric E. Lively's prison account shall be lifted.

5. Defendant The Northwestern Mutual Life Insurance Company shall be and is hereby discharged from his appointment as receiver over the Estate proceeds.

6. Upon the above disbursement, this case shall be dismissed without prejudice, and without costs to any party.

7. This Final Order resolves the last pending claim in this matter and closes this case.

Date: _____

JUL 21 2009

GERSHWIN A. DRAIN

Hon. Gershwin A. Drain
Wayne County Circuit Court Judge

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK
BY *Yanya R. Browder*
DEPUTY CLERK